

[illegible]

Case No. EL10-20

cast for the November 2, 2010 General Election by qualified uniformed services voters and overseas voters are counted as valid ballots if they are executed and sent by the voter by November 2, 2010 and received by the local election official by November 19, 2010, e) timely reports are filed with the Board and the U.S. Department of Justice regarding the number of UOCAVA absentee ballots transmitted, received, and counted for the November 2, 2010 General Election.

ORDER

Based upon the above Findings, the Board issues the following orders to state and local election officials.

- 1) In this Order, the term “local election officials” includes city, village, town, and county clerks as well as the administrator of the Milwaukee County Election Commission and the executive director of the City of Milwaukee Election Commission. The term “county clerks” includes county clerks and the administrator of the Milwaukee County Election Commission. The term “municipal clerks” includes city, village, and town clerks, and the executive director of the City of Milwaukee Election Commission.
- 2) As set forth below, notwithstanding any provisions of Wisconsin Statutes or prior Board directives to the contrary, Board staff and local election officials shall cooperate to comply with the terms of the consent decree and court order in the *United States v. State of Wisconsin et al.* Case No. 10-cv-518, to ensure that:
 - a) the results of the September Partisan Primary are certified no later than September 27, 2010;
 - b) that official absentee ballots are delivered to municipal election officials no later than noon on October 1, 2010;
 - c) all UOCAVA voters who have requested a ballot by October 1, 2010 are sent the official absentee ballot for the November 2, 2010 General Election no later than October 1, 2010 by postal mail, email or facsimile according to the request of the voter;
 - d) all ballots cast for the November 2, 2010 General Election by qualified uniformed services voters and overseas voters are counted as valid ballots if they are executed and sent by the voter by November 2, 2010 and received by the local election official by November 19, 2010; and
 - e) timely reports are filed with the Board and the U.S. Department of Justice regarding the number of UOCAVA absentee ballots transmitted, received, and counted for the November 2, 2010 General Election.

Obligations of Municipal Clerks

Municipal clerks, including the executive director of the City of Milwaukee Election Commission, shall complete the following actions regarding the transmission of absentee ballots to UOCAVA voters for the November 2, 2010 General Election:

- 1) Send absentee ballots for the November 2, 2010 General Election to UOCAVA voters with a request on file no later than the close of business on October 1, 2010 by postal mail, email or facsimile, according to the request of the voter. Send absentee ballots to UOCAVA voters requesting ballots after October 1, 2010 immediately upon receiving the request.
- 2) County clerks will deliver an electronic version of the official ballot and/or official ballots by noon on October 1, 2010. An electronic version of the official ballot supplied by the county clerk may be printed, initialed and transmitted to UOCAVA voters prior to municipal clerks receiving official ballots.
- 3) Include with all UOCAVA ballots that are transmitted for the November 2, 2010 General Election the notice provided by the Board explaining information required by the consent decree and providing contact information at the Board for voter assistance.
- 4) Track UOCAVA ballots for the November 2, 2010 General Election in the Statewide Voter Registration System and ensure that the absentee ballot tracking information is entered no later than the close of business on October 4, 2010 for UOCAVA ballots transmitted on each date through October 4, 2010. Ensure that tracking information is entered for each ballot on the day that the ballot is transmitted. Any municipality which is a relier must supply its Provider with its UOCAVA ballot-tracking information. Any municipality that is also a provider must, no later than the close of business on October 4, 2010, enter data received from reliers regarding UOCAVA ballots requested and transmitted on each date through October 4, 2010.
- 5) Extend the deadline for receiving validly-cast absentee ballots for the November 2, 2010 General Election from all military and overseas voters to November 19, 2010, provided the ballot is postmarked by November 2, 2010. Further guidance will be provided by the Board regarding canvassing of UOCAVA ballots at the General Election after the Board develops more specific protocols in consultation with local election officials.
- 6) Upon posting the number of outstanding UOCAVA ballots at the closing of the polls, immediately transmit that number to the county clerk and to the Board.
- 7) Complete and submit to Board, the Election Voting and Registration Statistics Form (GAB-190) for the November 2, 2010 General Election by the close of business on December 2, 2010. A supplemental form will be provided by the Board to capture statistics required by the federal court order.

Obligations of County Clerks

County clerks, including the administrator of the Milwaukee County Election Commission, shall complete the following actions in their canvassing of the September 14, 2010 Partisan Primary Election and transmission of absentee ballots to UOCAVA voters for the November 2, 2010 General Election:

- 1) Complete the original county canvass and military amendment to the canvass for the September 14, 2010 Partisan Primary as soon as possible. While not a requirement of the federal court order, the Board requests that county clerks work with their board of canvassers to complete the original canvass by the close of business on Friday, September 17, 2010.
- 2) Deliver the November 2, 2010 General Election absentee ballots for UOCAVA voters to municipal clerks as soon as available but no later than noon on October 1, 2010. Deliver an electronic version of the official absentee ballot to municipal clerks as soon as possible after certification by the Board but no later than noon on October 1, 2010. Delivering the electronic version of the absentee ballot satisfies the noon deadline for purposes of this paragraph but county clerks shall also deliver paper ballots as soon as possible if they are not available by noon on October 1, 2010.
- 3) Direct their county canvassing board to count all validly-completed ballots of all military and overseas voters for the November 2, 2010 General Election which are postmarked by Election Day and received by the close of business on Friday, November 19, 2010. Further guidance will be provided by the Board regarding canvassing of UOCAVA ballots at the General Election after the Board develops more specific protocols in consultation with local election officials.
- 4) Enter UOCAVA absentee ballot tracking information provided by relier municipalities into the Statewide Voter Registration System for ballots requested and transmitted through October 4, 2010, by the close of business on October 4, 2010. Enter the tracking information for each ballot on the day that the ballot is transmitted.

Obligations of Government Accountability Board

The staff of the Board shall:

- 1) Complete the certification of the Partisan Primary canvass no later than September 27, 2010 and immediately transmit the certification to county clerks.
- 2) Update the Voter Public Access feature of the Board's website to easily allow UOCAVA voters to track the status of their absentee ballot, including transmission of the ballot by the municipal clerk, receipt of the completed ballot by the municipal clerk, and any ballot returned as undeliverable.


- 3) No later than September 20, 2010, provide the special UOCAVA voter notice to municipal clerks to be inserted with all UOCAVA ballots as specified in the consent decree.
- 4) Disseminate information through press releases to international news outlets to summarize the federal court order, identify the contests that will be on the November 2, 2010 ballot, and provide contact information at the Board for voter assistance.
- 5) Provide a report to US DOJ no later than October 6, 2010 on the number of absentee ballots requests received from UOCAVA voters, the number of UOCAVA ballots transmitted and the method of transmittal on each day from October 1, 2010 through October 4, 2010 as specified in the consent decree.
- 6) Complete certification of the 2010 General Election canvass no later than December 1, 2010.
- 7) Provide a report to US DOJ no later than December 17, 2010 as specified in the consent decree, concerning the number of UOCAVA absentee ballots, by jurisdiction, received and counted for the November 2, 2010 General Election.
- 8) Pursuant to the federal court order, take such enforcement actions as are necessary to and legally available to secure compliance with the directives contained in this Order.

Pursuant to §5.05(1)(e), the Board authorizes its Director and General Counsel to execute these Findings and Order.

Pursuant to §5.06(8), Wis. Stats., parties may appeal this Order to circuit court within 30 days of issuance of the Order.

Dated this 15th day of September, 2010.

Government Accountability Board


Kevin J. Kennedy
Director and General Counsel